

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Harold Mitchell Monsour

Docket No. 5:07-CR-94-1D

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Harold Mitchell Monsour, who, upon an earlier plea of guilty to 21 U.S.C. § 846, Conspiracy to Possess with the Intent to Distribute a Quantity of Marijuana, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on January 30, 2008, to the custody of the Bureau of Prisons for a term of 30 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Harold Mitchell Monsour was released from custody on August 14, 2009, at which time the term of supervised release commenced. On June 20, 2011, a DROPS Sanction Report was submitted to the court reporting the defendant tested positive for cocaine on June 15, 2011, and was required to serve a two-day jail sanction.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On September 1, 2011, the defendant signed an admission form acknowledging his use of cocaine on August 28, 2011. Since testing positive in June 2011, he has been enrolled in substance abuse counseling. He now reports that he could benefit from mental health counseling and has been referred for an assessment. He has informed the probation officer that on both occasions of cocaine use, he was abusing alcohol. Drug use will continue to be

monitored through the Surprise Urinalysis Program. To provide a punitive sanction for this conduct, we are recommending that the conditions of supervised release be modified to include 60 days of home confinement. Additionally, we would recommend an alcohol abstinence condition. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: September 6, 2011

ORDER OF COURT

Considered and ordered this 7 day of September, 2011, and ordered filed and made a part of the records in the above case.


James C. Dever III
U.S. District Judge